

K-Mart and its workers compensation insurance carrier, Cambridge Integrated Service Group (jointly referred to as "K-Mart"), ask the Appeals Board of the Utah Labor Commission to review Administrative Law Judge La Jeunesse's preliminary rulings in the adjudication of K. S. F.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

ISSUE PRESENTED

K-Mart seeks review of Judge La Jeunesse's preliminary procedural and evidentiary rulings.

DISCUSSION

In considering K-Mart's motion for interlocutory review, the Appeals Board notes that such interlocutory reviews diminish the ALJ's ability to organize and manage evidentiary hearings, disrupt the adjudicatory process, and delay the resolution of claims. Consequently, the Appeals Board will entertain interlocutory motions for review only if the potential advantage from deciding the issues presented will clearly outweigh "the interruption of the hearing process and the other costs of piecemeal review."¹

In this case, it is entirely possible that the "errors" K-Mart alleges will either be corrected or rendered moot by further developments in the case. But if K-Mart remains dissatisfied, it will retain the right to obtain review over all these issues when the case is completed. The Appeals Board therefore declines to accept K-Mart interlocutory motion for review.

ORDER

K-Mart's interlocutory motion for review is dismissed. This matter is remanded to Judge La Jeunesse to complete the adjudication of Ms. F.'s claim. It is so ordered.

Dated this 27th day of February, 2004.

Colleen S. Colton, Chair
Patricia S. Drawe
Joseph E. Hatch

1. Charles H. Koch, Jr., Administrative Law and Practice (1985), §6.75